

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 17, 1936.

The meeting was called to order at 11:00 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The Mayor introduced the following ordinance for second reading:

AN ORDINANCE AMENDING SECTION 1 OF THE CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC ON CERTAIN PARTS OF CONGRESS AVENUE, SIXTH STREET AND GUADALUPE STREET, IN THE CITY OF AUSTIN, CUMULATIVE OF CERTAIN ORDINANCES HERETOFORE ORDAINED, REPEALING ALL ORDINANCES IN CONFLICT HERewith, AND PRESCRIBING PENALTIES," AS PASSED BY THE CITY COUNCIL ON JUNE 22, 1934, AND REPEALING THAT CERTAIN AMENDATORY ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN SEPTEMBER 27, 1934, WHICH SAID ORDINANCE IS RECORDED IN BOOK "J" AT PAGE 623 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman Gillis moved that same be passed to its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Gillis moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following resolution:

WHEREAS, the general budget of the City of Austin for the year 1937 was presented to the City Council by the City Manager on December 16, 1936, and filed with the City Clerk for public inspection; and

WHEREAS, the law requires that the City Council shall provide for a public hearing on such budget on some date to be fixed by the Council not later than fifteen days subsequent to the time such budget is filed; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT a public hearing on said general budget of the City of Austin for the year 1937 will be held in the City Council chamber at the City Hall in Austin, Texas, at 7:30 o'clock P. M. on January 6, 1937, at which hearing any tax payer of the City of Austin will have the right to be present and participate in such hearing.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; Nays, none.

The City Manager was instructed to have a notice of the public hearing on the budget published in the daily newspaper one time.

The Mayor laid before the meeting two petitions requesting parallel parking, one in the 200 block on West 6th Street on both sides, and the other in the 500 block on Colorado Street on the east side of the street. The matter was referred to the City Manager with the request that he have the Traffic Division of the Police Department make a report, and, if found feasible, then to have an ordinance drawn covering these requests.

Councilman Wolf introduced the following resolution:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$165.00 be and the same is hereby appropriated out of the General Fund, not otherwise appropriated, for the purpose of supplying wood for

relief purposes to January 1, 1937.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs, sidewalks, and ramps of other materials; and

WHEREAS, Mrs. N. I. Cartledge, owner of part of Lots 5 and 6, Block 1, of Smythe Subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of West 32nd Street at King Street, and being locally known as 701 West 32nd Street, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described location; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Mrs. N. I. Cartledge, owner of part of Lots 5 and 6, Block 1, of Smythe Subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of West 32nd Street at King Street, and being locally known as 701 West 32nd Street, is hereby granted permission to construct a flagstone walk from the curb line to the property line at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades and curb grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST SECOND STREET from Canadian Street west 45 feet, the centerline of which gas main shall be 25 feet south of and parallel to the north line of said East 2nd Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in CANADIAN STREET from East 2nd Street northerly a distance of 404 feet, the centerline of which gas main shall be 13½ feet east of and parallel to the west line of said Canadian Street.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in EAST THIRTY-EIGHTH AND ONE-HALF STREET from Red River Street east 127 feet, the centerline of which gas main shall be 17 feet south of and parallel

to the north line of said East 38 $\frac{1}{2}$ Street.

Said gas main described above shall have a cover of not less than 2 $\frac{1}{2}$ feet.

(4) A gas main in MAYBELLE AVENUE northerly 341 feet from a point 63 feet north of the north line of West 44th Street, the centerline of which gas main shall be 15 feet west of and parallel to the east line of said Maybelle Avenue.

Said gas main described above shall have a cover of not less than 2 $\frac{1}{2}$ feet.

(5) A gas main in ANGELINA STREET across Hackberry Street intersection, the centerline of which gas main shall be 25 feet west of and parallel to the east line of said Angelina Street.

Said gas main described above shall have a cover of not less than 2 $\frac{1}{2}$ feet.

(6) A gas main in HACKBERRY STREET from Angelina Street easterly 565 feet to a point east of Comal Street, the centerline of which gas main shall be 13 $\frac{1}{2}$ feet south of and parallel to the north line of said Hackberry Street.

Said gas main described above shall have a cover of not less than 2 $\frac{1}{2}$ feet.

(7) A gas main in SALINA STREET south 128 feet from a point 350 feet south of the south line of Rosewood Avenue, the centerline of which gas main shall be 6 $\frac{1}{2}$ feet west of and parallel to the east line of said Salina Street.

Said gas main described above shall have a cover of not less than 2 $\frac{1}{2}$ feet.

(8) A gas main in WEST ELIZABETH STREET from South 1st Street easterly 151 feet, the centerline of which gas main shall be 6 $\frac{1}{2}$ feet north of and parallel to the south line of said West Elizabeth Street.

Said gas main described above shall have a cover of not less than 2 $\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf offered the following resolution:

WHEREAS, Clay L. Price has been compelled to recover from Milburn E. Nutt, Jr., Lots 12, 13, and 14, Block 2, Outlot 2, Division "A", in the City of Austin, for debt, and has found that the City taxes for the years 1928 through 1935, in the aggregate amount of \$394.65, plus penalties in the aggregate amount of \$19.73, and interest in the aggregate amount of \$102.00, have accrued while said property was under ownership of prior owners; and

WHEREAS, it is deemed equitable and expedient that, under the above facts, the penalties on said taxes and one-half of the interest should be remitted; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT said penalties, amounting in the aggregate to the sum of \$19.73 for the years 1928 through 1935, and one-half of the interest, amounting to \$51.00, be and the same are hereby remitted, provided that said Clay L. Price pays all of said taxes and the remaining one-half of the accrued interest immediately.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following resolution of the Zoning Board of Adjustment was received:

"December 17, 1936.

Hon. Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on December 15, 1936, passed the following Resolution, which is hereby submitted for your consideration:

R E S O L U T I O N .

WHEREAS, the requirement for height in a Fourth Height and Area District as provided in the second paragraph of Section 15 of the Zoning Ordinance is stipulated to be 150 feet on the street line with a provision of additional height by setbacks, allowing three additional feet in height for each foot setback from the street line, and

WHEREAS, this Fourth Height and Area District comprises the principal business district of Austin extending from West Avenue to East Avenue, from 1st Street to 10th Street, excluding the two blocks on each side of Congress Avenue between 8th and 10th Streets and all areas between 10th Street, East Avenue, the alley between 7th and 8th Street, and the center line of the block between San Jacinto and Trinity Streets, and all the area between 10th Street, West Avenue, the alley between 6th and 7th Streets and the center line of the block between Lavaca and Guadalupe Streets, and as otherwise shown on the Height and Area Map of the City of Austin; and

WHEREAS, the limitation in height now provided by the ordinance would not permit the profitable addition in the height of existing buildings nor the erection of new commercial buildings to a greater height than the present Norwood Building; and

WHEREAS, the commercial progress of the City has reached a point where a demand has arisen for a more extensive development of existing properties and to meet the requirements of the growing population and business activity; and inquiries have reached the Board of the possibilities of such additional developments under the present terms of the Zoning Ordinance; and

WHEREAS, the Board of Adjustment has carefully considered this matter and has come to the conclusion that the present height limitation is too drastic and severe and will tend to retard new progress in development of property in the heart of the City, and further that the district covered by these restrictions should now be extended to meet these demands, therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That, in view of the fact that the City of Austin now appears to be upon the threshold of a larger and more extensive commercial development, it is hereby recommended to the City Council that the following amendments to the Zoning Ordinance be adopted, to-wit:

1. By changing the figures 150 in the second paragraph entitled "HEIGHT" of Section 15 to the figures 200.
2. By extending the Fourth Height and Area District from 8th Street to 11th Street, including all the property between the center line of the block between Trinity and San Jacinto Streets and the center line of the block between Lavaca and Guadalupe Streets and including the area now shown as Third Height and Area District between Colorado and Brazos Streets and 8th Street and the Alley south of 11th Street.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne,
Chairman. "

It was the sense of the meeting that the foregoing resolution of the Board of Adjustment be approved, with the understanding that the same be rewritten to embody certain changes thereby ordered; that the City Attorney be directed to prepare an

ordinance covering the matter; and that, pending the passage of such ordinance, permit be issued to the Stephen F. Austin Hotel to build an addition to their building at the corner of Congress Avenue and Seventh Street in conformity with the proposed height and area requirements.

Horace Barnhart extended an invitation to the City Council, the City Manager, and the City Attorney to be the guests of the Lions Club at their luncheon of this date, at which time a deed to the Municipal Golf Course, with certain provisions, would be presented by said Club to the City of Austin. The invitation was accepted with thanks.

The Mayor stated that the ordinances providing for the annexation of certain new territory to the City of Austin would be read the first time on December 24, and passed to the second reading on December 31, but that none of the new territory would be assessed for taxes in 1937, though the property owners would be given the benefit of water and electric rates inside the City for said year.

Councilman Wolf introduced the following resolution:

WHEREAS, Burt Brydson, by deed of date July 11, 1936, conveyed to the City of Austin Lot No. Three (3), Block Two (2), Subdivision of Outlot Ten (10), Division "D", of the Government Outlots adjoining the City of Austin, Travis County, Texas, according to the map or plat of said Subdivision as recorded in Plat Book No. 1, page 107, of the Travis County Deed Records, in consideration of the cancellation and release of a paving lien assessment on said land, the aforesaid deed from Burt Brydson to the City of Austin being of record in Book 544, pages 368-369 of the Deed Records of Travis County, Texas, to which deed reference is hereby made; and

WHEREAS, L. E. Whitham & Co. filed suit in the 53rd District Court of Travis County, Texas, and secured a final judgment establishing and foreclosing four installments in the sum of 1/6 of the paving lien against said Burt Brydson et al, in Cause No. 52540, styled L. E. Whitham & Co. vs. Burt Brydson et al, and foreclosing its lien thereon for the payment of said certificates; and

WHEREAS, Fain-Townsend & Co., a corporation, owned and held two installments, principal and interest, amounting to \$68.97, which sums were secured by lien on the aforesaid land; and

WHEREAS, by resolution of date December 3, 1936, the City Council appropriated out of the General Fund not otherwise appropriated \$297.45, for the purpose of paying paving lien and judgment in favor of L. E. Whitham & Co. against Burt Brydson et al, covering 29.5 feet of paving, and the same amount of curbing and gutter on property located at 26 1/2 Street and Waller Creek Boulevard, said resolution recorded in Minute Book 16, page 130, of the Minute Records of the City Council of the City of Austin; and

WHEREAS, said resolution was adopted through error, and the correct appropriation should have been in favor of L. E. Whitham & Co., \$228.48, and in favor of Fain-Townsend Company, \$68.97; and said resolution is therefore rescinded; and

WHEREAS, said L. E. Whitham & Co. has executed and delivered a release of said judgment and said Fain-Townsend Company has executed a release as to its paving lien on the hereinafter described land in consideration of the payment of the respective amounts due them as above set out; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the sum of \$297.45 be and the same is hereby appropriated out of the General

Fund not otherwise appropriated for the purpose of paying said judgment and paving lien on Lot No. Three (3), Block Two (2), of Moore's Subdivision of Outlot No. Ten (10), Division "D", of the City of Austin, Travis County, Texas, and that warrants issue therefor as follows:

\$228.48 to L. E. Whitham & Co., and
\$ 68.97 to Fain-Townsend Co.

The foregoing resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford moved that the following named persons be granted taxicab driver's permits, in accordance with the recommendation of Roy J. Smith, Captain of Police, Traffic Division: Wesley Collier, 907 West Annie Street; and Eugene Pool, 506 Nueces Street. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The matter of temporary taxicab permits came up for discussion and the City Manager was instructed to allow all taxicab operators to operate until January 1, 1937, the City Council to determine then the number of taxicabs to be allowed.

Upon motion, duly seconded and carried, the meeting was recessed, subject to call of the Mayor.

Approved: Tom Miller
Mayor.

Attest:

Hallie McTear
City Clerk

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, December 23, 1936.

The meeting was called to order at 7:45 P. M. by Mayor Tom Miller, with the following members present: Councilmen Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 4; absent, Councilman Alford, 1.

The following appeals from the action of the Board of Equalization in placing valuations upon taxable property for the year 1936 were heard:

Charles Naschke, 2001 Dam Boulevard, protested the valuation of \$525 placed on his improvements, stating that \$250 represented the cost of such improvements and that he was receiving no rental from same. The matter was referred to Councilman Gillis and the Board of Equalization for a reinspection of the premises.

Victor Cluck protested the valuation placed on the improvements on Lot 26,